

**NORTH CAROLINA  
ALCOHOLIC BEVERAGE CONTROL  
COMMISSION MINUTES  
MARCH 9, 2001**

The following highlights actions taken by the North Carolina Alcoholic Beverage Control Commission. The meeting was tape-recorded and the tape is on file in the Legal Division of the ABC Commission.

**ROLL CALL**

Chairman Bason, Commission Members Howard McGlohon and Ricky Wright were present for the entire meeting.

**WAIVE READING OF FEBRUARY 9, 2001 MINUTES**

Chairman Bason made a motion seconded by McGlohon and Wright to waive the reading of the minutes into the record. So Ordered.

**EXECUTIVE ORDER 127 - CONFLICT OF INTEREST**

As required by Executive Order 127 the Chairman asks of the members whether there were any known conflicts of interest or any conditions or facts that might create the appearance of a conflict of interest with respect to any matters on the agenda. Chairman Bason stated he found no conflict of interest. McGlohon and Wright stated they had reviewed the agenda. Wright found no conflicts of interest. McGlohon recused himself from Case #74 - Best Western Biltmore Asheville. So Ordered.

**HEARING CASES - 77 listed (including add-on cases).**

**I. CONTESTED CASE**

#1 - Robinhood Grille LLC  
T/A Robinhood Grille  
1989 N. Peace Haven Road  
Winston Salem, NC 27106

LoRita K. Pinnix

This case was continued until the April 6, 2001 meeting. There were no other contested cases listed on this agenda.

**II. OFFERS IN COMPROMISE**

A. Chairman Bason had questions or comments concerning the following cases:

#11 - Handee Hugos #55. The penalty was listed incorrectly on the Offer in Compromise. This was a third offense and the correct penalty should be a 5-day active

suspension instead of a 25-day active suspension. Chairman Bason made a motion to approve and ratify this case seconded by Wright and McGlohon agreed.

B. #54 - C Mart #4 and #62 - C Mart #10. Armistead Mauck addressed the Commission regarding the above-mentioned cases. Mauck gave a brief synopsis of the sale to minor violations and stated the business is working toward educational process. McGlohon asked what was Susan Parker's defense; the response being she carded and miscalculated. Wright had no questions. Chairman Bason made a motion both offers be approved and ratified; McGlohon seconded and Wright agreed.

C. Assistant Counsel Pinnix spoke on behalf of case #28 stating a letter was attached to the Offer in Compromise even though the permittee made the sale in this case. Permittee had been in business for 18 years with no previous violations. Chairman Bason wanted to see the file regarding the alleged violation; all three members read the report. Chairman Bason made a motion that the penalty be reduced by 50% (\$550.00) and that the offer be approved and ratified with all members in agreement. So ordered.

D. Chief Deputy Counsel Gregory spoke on behalf of case #50 stating the permittee had been in business for 20 years with no previous violations and to please consider a reduction in penalty. Chairman Bason made a motion that the penalty be reduced by 50% (\$400.00) and that the offer be approved and ratified with all members in agreement. So ordered.

E. Assistant Counsel Pinnix spoke on behalf of case #33 stating the permittee had been in business for 12-1/2 years with no previous violations and was asking for some consideration in this matter. Chairman Bason made a motion that the penalty be reduced by 50% (\$400.00) and that the offer be approved and ratified with all members in agreement. So ordered.

F. The Commission members had no questions nor comments concerning any other cases as submitted. Chairman Bason made a motion that all remaining cases be approved and ratified; Wright seconded the motion and McGlohon agreed with the exception of #74. So ordered.

II. Request for exemption by Anheuser-Busch for Exemption from G.S. 18B-1116 for Sponsorship of the Charlotte Checkers. General Counsel Fulton commented that the exemption by Anheuser-Busch had been an annual agreement since the 1997-1998 season, that Checkers was an ice hockey league and permits were held by city authority. Fulton recommended the exemption be granted and submitted a proposed Order for approval. Chairman Bason moved the exemption be approved seconded by McGlohon and agreed upon by Wright. All three copies of the proposed Order were signed and submitted to the Commission secretary. See attachment.

III. Request for exemption by Raylen Vineyards for Wholesaler Permit. General Counsel Fulton stated Raylen would like to wholesale wine and this request was identical to a previous request granted (for example: Moonrise Bay Vineyard last month). Chairman Bason made a motion the exemption be granted and asked if there were any questions and or comments from the Commission members. Neither had any comments. Wright

seconded the motion and McGlohon agreed. All copies of the proposed Order were signed and submitted to the Commission secretary. See attachment.

**IV.** Request for exemption from G.S. 18B-1116 by Vivian Fisher. General Counsel Fulton advised no exemption was needed as incorrect information had been received from Alcohol Law Enforcement.

**V.** Administrator Mike Herring presented information regarding an ABC store relocation in Moore County. ALE District VI conducted an investigation concerning the new store location and advised that the Moore County ABC Board is requesting approval to relocate its Store #3 from 1044 Monroe Street, Carthage, NC, to 3700 Hwy 15-501 East in Carthage. The new location is properly zoned and is in accordance with ABC Commission regulations. To date no objections were received regarding the new location. All members of the Board of Commissioners were interviewed with the exception of Paul Helms, Vice Chairman of the Moore County Board of Commissioners. No conflict of interest exists between the parties. Helms was out of town on business and would not be returning until the end of February. There were no complaints nor questions from any of the members regarding this store relocation. Herring made a recommendation to approve the location. Chairman Bason made a motion that the proposed site be approved seconded by Wright and agreed to by McGlohon. So ordered.

**VI.** Request for Signage Approval - Sanford ABC Board. In May of 2000, the Commission approved an ABC store site location in the Tramway Shopping Center located in Sanford. At the time of approval the Commission reserved the right to approve/disapprove ABC store signage at this particular location. In July of 2000, the Sanford ABC Board requested signage approval and the Commission approved lettering that read 'City of Sanford ABC' for the front window area of the store only. In a letter dated February 20, 2001, Sanford ABC Board is requesting additional ABC signage due to numerous calls they have had from patrons asking where the ABC store is located. Today they are requesting approval to have a sign on the marquee sign at the entrance of the shopping center and to have a sign installed on the front roof of the ABC store, 18" high and 5'5" across ("ABC"). Chairman Bason wanted to be sure the Commission members had received copies of Gregory S. Cox's letter of November 18, 2000 in which the Commission was 'scolded' for the panel truck that was parked there; a phone call was made to the Sanford ABC Board and the truck was removed. This related to a highly controversial matter back in May of 2000. Chairman Bason was not comfortable with dealing with this request and suggested the people on the 'other' side should be given notice and be involved in this matter, especially Mr. Cox since it was he that wrote about the truck. Herring will contact Mr. Cox in writing, as well as all parties involved. Chairman Bason shared with the Commission members his views of a marquee not being on the premises and it is beyond our statutory rule/control; that he didn't know how the Commission could control such. Wright and McGlohon were both in agreement. The request was continued until the next meeting.

## **VII. OTHER BUSINESS**

**A.** General Counsel Fulton asked if anyone wanted to hear about the Federal lawsuits going on; no responses.

B. Jones Convenience Center - proposed order to be remanded back to the Office of Administrative Hearings in conformity with the judge's order; to be heard on or before May 30, 2001. Order has been signed and will be remanded back to OAH. McGlohon recused himself and Wright agreed. So ordered.

C. New Commission Meeting dates: June 8, July 13, and August 10, 2001.

WITH NO further business the meeting adjourned.

(Signed)

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George F. Bason, Chairman

Respectfully submitted by

(Signed)

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Theresa D. Avery, Legal Division